

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEAMOUNT INTERNATIONAL :
ASSOCIATION LTD., : 06 CV 5648 (LTS)
Petitioner, :
- against - :
KUEHNE & NAGEL LTDA., :
Respondent. :
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**DECLARATION OF NANCY R. PETERSON
IN SUPPORT OF PETITIONER'S SUPPLEMENTAL REPLY
MEMORANDUM IN SUPPORT OF PETITION TO COMPEL ARBITRATION**

Nancy R. Peterson declares under penalty of perjury of the laws of the United States of America as follows:

1. I am an attorney with the firm, Tisdale & Lennon LLC, counsel for the Plaintiff herein, Seamount International Association Ltd., ("Seamount" or "Petitioner") and I make this declaration based upon my own personal knowledge and upon information and documents furnished to me by Petitioner that I believe to be true and accurate.
2. I submit this Declaration in Support of Petitioner's Supplemental Reply Memorandum in Support of Petition to Compel Arbitration.
3. "Kuehne and Nagel Servicos Logisticos" is merely a trade name or alias of the Respondent, Kuehne and Nagel Ltda. *See Letter from Respondent's former counsel, Ernest H. Gelman, referring to Respondent as KN Servicos de Logistica Ltda, a/k/a Kuehne and Nagel Ltda. annexed hereto as Exhibit "I."*

4. Respondent's current counsel further clarifies that "Kuehne & Nagel, Ltda. (Brazil) changed its named to Kuehne & Nagel Servicos Logisticos, Ltda. in 1999 although it apparently continued to use Kuehne & Nagel, Ltda. for some time after the name change." *See Letter from Respondent's current counsel, Judith A. Lockhart, annexed hereto as Exhibit "2."*

5. Garnishee bank, Citibank N.A., restrained six wire transfers pursuant to the Ex-Parte Order of Attachment served in regards to the instant action.

6. A wire transfer in the amount of EUR 18,266.43 being wired through the bank to "Kuehne and Nagel Limitada" was restrained on August 9, 2006. *See wire remittance details annexed hereto as Exhibit "3."*

7. This wire was converted into U.S. dollars in the amount of \$23,231.25.

8. A wire transfer in the amount of EUR 18,430.48 being wired through the bank to "Kuehne and Nagel Limitada" was restrained on August 17, 2006. *See wire remittance details annexed hereto as Exhibit "4."*

9. This wire was converted into U.S. dollars in the amount of \$23,742.14.

10. A wire transfer in the amount of \$6,000.00 being wired through the bank to "Kuehne and Nagel Limitada" was restrained on September 12, 2006. *See wire remittance details annexed hereto as Exhibit "5."*

11. A wire transfer in the amount of EUR 2,184.95 being wired through the bank to "Kuehne and Nagel Limitada" was restrained on September 21, 2006. *See wire remittance details annexed hereto as Exhibit "6."*

12. This wire was converted into U.S. dollars in the amount of \$2,800.23.

13. A wire transfer in the amount of \$3,864.75 being wired through the bank to

“Kuehne and Nagel Limitada” was restrained on October 26, 2006. *See wire remittance details annexed hereto as Exhibit “7.”*

14. A wire transfer in the amount of \$350.00 being wired through the bank to “Kuehne and Nagel Limitada” was restrained on October 26, 2006. *See wire remittance details annexed hereto as Exhibit “8.”*

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 8, 2006.


Nancy R. Peterson

AFFIRMATION OF SERVICE

I hereby certify that on December 8, 2006, a copy of the foregoing DECLARATION OF NANCY R. PETERSON IN SUPPORT OF PETITIONER'S SUPPLEMENTAL REPLY MEMORANDUM OF LAW IN SUPPORT OF PETITION TO COMPEL ARBITRATION was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.

By: 
Nancy R. Peterson